



Entered on Docket  
January 27, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

GREGORY L. WILDE, ESQ.  
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Relodae

Attorney for Secured Creditor

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

Gerardo Cano-Viquez

Debtor.

BK-S-09-19123-lbr

Date: November 9, 2009

Time: 9:30 AM

Chapter 13

**ORDER DENYING MOTION FOR RELIEF FROM THE  
AUTOMATIC STAY**

THE COURT having reviewed the briefs filed by the respective parties, having considered the oral argument, and having reviewed all other pleadings before it, rules as follows:

1 The Secured Creditor has not provided evidence to the court of a diminution in property value  
2 pursuant to the In Re: Timbers case, warranting on Order Vacating Stay.

3 The Secured Creditor has not convinced the court that a proposed monthly payment of “.25” of the  
4 value of the subject property does not cover any diminution in value while waiting for a decision on a loan  
5 modification request.

6 The Secured Creditor has not convinced the court that a monthly payment of “.25” of the subject  
7 property’s value necessarily denotes an improbability of successful reorganization inasmuch as the decision  
8 of whether or not a loan modification is granted is in the hands of the Secured Creditor.

9 The Court further holds that a plan that proposes to pay a monthly payment of “.25” of the subject  
10 property’s value is not on its face a plan proposed in violation of 11 U.S.C. 1322(b)(2).

11 Other findings made by the Court are found on the record and incorporated herein.

12 THEREFORE, the Secured Creditor’s motion for relief from the automatic stay is denied without  
13 prejudice.

14 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

15 Submitted by:  
16 WILDE & ASSOCIATES

17 /S/GREGORY L. WILDE  
18 By \_\_\_\_\_  
19 **GREGORY L. WILDE, ESQ.**  
20 Attorney for Secured Creditor  
208 South Jones Boulevard  
Las Vegas, Nevada 89107

21 APPROVED / DISAPPROVED

APPROVED / DISAPPROVED

22  
23 By \_\_\_\_\_  
24 Christopher Griffin  
25 Haines and Krieger  
26 Attorney for Debtor(s)

By \_\_\_\_\_  
Kathleen A. Leavitt  
Trustee

1 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

2 ☐ The court waived the requirements of LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☐ No parties appeared or filed written objections, and the trustee is the movant.

5 ☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a  
6 copy of this proposed order to all counsel who appeared at the hearing, and any trustee  
7 appointed in this case, any unrepresented parties who appeared at the hearing, and each has  
8 approved or disapproved the order, or failed to respond, as indicated below:

9 Debtor's counsel:

10 ☐ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☒ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☐ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☒ failed to respond to the document

17 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all  
18 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented  
19 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to  
20 respond, as indicated below.

21 Debtor's counsel:

22 ☐ approved the form of this order ☐ disapproved the form of this order

23 ☐ waived the right to review the order and/or ☐ failed to respond to the document

24 ☐ appeared at the hearing, waived the right to review the order

25 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

26 Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed  
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor